

October 2021 SC LSC Legislation

No.	Description	Location	Recommendation and Outcome (Pulled for discussion, tabled, endorsed, not endorsed)
R-1	To Clarify the order of representatives on the Meet Management	XI.B.14	
R-2	To eliminate the C heat for distance events	XI.C.3	
R-3	In addition to Scratch and Procedures in XI. B. 16	XI.B.16	
R-4	To allow a more rational process for meet bidding.	VIII.B.3	
R-5	To allow members of the Time Standards Committee vacation time during the first two weeks of August.	XIII.A	
R-6	The purpose is to broaden competitive swimming opportunities for Outreach athletes	XV B.7.b	
R-7	Adopt procedures to be operationally aligned with Whistle Blower Protection Policy, adopted by the Board of Directors in June 2021.		

R-1

Directions:

For any proposed change to the SCLSC Policies and Procedures Manual or South Carolina Swimming Inc. Bylaws:

1. Complete this form.
 2. If the proposal is to change an existing section, attach a red-line version of how the proposal would change the existing section.
 3. Submit scanned copy by email to the Legislative Chair at legislative@sc-swimming.org
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Proposed By: Name: Aimee McMillan

Email: officials@sc-swimming.org

Date submitted to Legislative Chair: 7/1/21

Purpose of proposal: To clarify the order of representatives on the Meet Management Committee.

Proposed new language: A Meet Management Committee shall be established by the Meet Referee prior to entry deadline for the meet and convened prior to publication of timelines. This committee will consist of five (5) persons: (a) one athlete designated by the Senior Athlete Representative; (b) the head coach of the host club; (c) the Meet Director; (d) the Meet Referee; and (e) one Board of Directors member, (Age Group Championship: Age Group Chair; Senior Championship: Senior Chair). If the respective chair for the meet is unavailable a Board of Directors member shall be selected in the order of Coaches Representative, Senior or Age Group Chair, and Technical Planning Chair. There shall be no more than two members from the host club. Prior to the beginning of the meet, the Meet Management Committee must convene and make the decisions regarding timeline breaks or any other changes needed to run the meet in the most efficient manner. Once the meet begins, these decisions will revert to the Meet Referee.

Does this proposal amend an existing provision (circle one): Yes No

If yes, which provision: XI. B. 14.

Have you reviewed the P&P or bylaws to ensure no other provisions are impacted?

(circle one) Yes No

If not an amendment, in which section or article do you propose the new language be added:

This section to be completed by Legislative/Rules Committee:

Date sent to HOD:

Recommendation:

R-2

Directions:

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Proposed By: Name: Aimee McMillan

Email: officials@sc-swimming.org

Date submitted to Legislative Chair: 7/1/21

Purpose of proposal: To eliminate the C heat for distance events.

Proposed new language: There shall be three heats competed during the finals session for each preliminary/final event except for 500/400 free and 400 IM where there will only be A and B. The non-scoring C heat shall be comprised only of swimmers aged 16 and under. Swimmers 16 and under may swim in the A or B heats as well. The C heats shall be protected to allow only the next highest qualifying swimmers aged 16 and under to swim in the C heat after the A and B heats have been seeded.

Does this proposal amend an existing provision (circle one): Yes No

If yes, which provision: XI. C. 3.

Have you reviewed the P&P or bylaws to ensure no other provisions are impacted?

(circle one) Yes No

If not an amendment, in which section or article do you propose the new language be added:

This section to be completed by Legislative/Rules Committee:

Date sent to HOD:

Recommendation:

R-3

Directions:

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Proposed By: Name: Aimee McMillan

Email: officials@sc-swimming.org

Date submitted to Legislative Chair: 7/1/21

Purpose of proposal: In addition to Scratch and Procedures in XI. B. 16

Proposed new language:

Does this proposal amend an existing provision (circle one): No

If yes, which provision:

Have you reviewed the P&P or bylaws to ensure no other provisions are impacted?

(circle one) Yes No

If not an amendment, in which section or article do you propose the new language be added: XI. C. 5.

Scratch and Procedures: Swimmers who do not intend to swim an event or must scratch down to the three events per day limit (8 total for the meet), or need to make room for a time trial should scratch by the indicated deadline. Scratch cards should be completed and deposited in the scratch box at Clerk of Course by the appropriate deadline. While there will be no penalty for failure to compete in preliminary heats of events 200 m or less.

This section to be completed by Legislative/Rules Committee:

Date sent to HOD:

Recommendation:

R-4

Directions:

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Proposed By: Name: Jason Overby

Email: technical.planning@sc-swimming.org

Date submitted to Legislative Chair: 7/1/21

Purpose of proposal: To allow a more rational process for meet bidding.

Proposed new language: Acceptance of the meet bids shall be done at the spring HOD meeting for the following short course season and done at the fall HOD meeting for the following long course season.

Does this proposal amend an existing provision (circle one): Yes No

If yes, which provision: VIII. B. 3.

Have you reviewed the P&P or bylaws to ensure no other provisions are impacted?

(circle one) Yes No

If not an amendment, in which section or article do you propose the new language be added:

This section to be completed by Legislative/Rules Committee:

Date sent to HOD:

Recommendation:

R-5

Directions:

For any proposed change to the SCLSC Policies and Procedures Manual or South Carolina Swimming Inc. Bylaws:

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Proposed By: Name: Aimee McMillan

Email: officials@sc-swimming.org

Date submitted to Legislative Chair: 8/23/21

Purpose of proposal: To allow members of the Time Standards Committee vacation time during the first two weeks of August.

Proposed new language: The Time Standards Committee will consist of seven (7) members. The committee will consist of two athletes, the Officials Chair, Coaches' Representative, Age Group Chair, Senior Chair, and the Technical Planning Chair. An annual meeting of the committee will be convened by the Age Group Chair or the Senior Chair at the LCM SCLSC Championship Meet or by September 1.

Does this proposal amend an existing provision (circle one): Yes No

If yes, which provision: XIII. A.

Have you reviewed the P&P or bylaws to ensure no other provisions are impacted?

(circle one) Yes No

If not an amendment, in which section or article do you propose the new language be added:

This section to be completed by Legislative/Rules Committee:

Date sent to HOD:

Recommendation:

R-6

Directions:

For any proposed change to the SCLSC Policies and Procedures Manual or South Carolina Swimming Inc. Bylaws:

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Proposed By: Karen Alexander

office@sc-swimming.org

Date submitted to Legislative Chair: 8/31/2021

Purpose of proposal:

The purpose is to broaden competitive swimming opportunities for Outreach athletes

Proposed new language: What is reimbursed: 1. Entry fees, pool use fees and SCLSC Travel Fund fees, and Sports Developmental Director fees will only be honored for meets sanctioned by South Carolina Swimming. If a registered Outreach Athlete is entered in a sanctioned SCS meet and does not compete, no reimbursement will be provided. If a registered Outreach Athlete misses an event at a sanctioned SCS meet, reimbursement for that event will not be provided. Only registered Outreach Athletes who provide proof of results in the form of SWIMS verification will qualify for reimbursement.

2. LSC sponsored events i.e., camps, team travel events, and clinics which includes Diversity Camp, Carolina Crown, Age Group Zones, and Select Camp.

Does this proposal amend an existing provision (circle one): Yes No

If yes, which provision: XV B. 7. b

Have you reviewed the P&P or bylaws to ensure no other provisions are impacted:

(circle one) Yes No

If not an amendment, in which section or article do you propose the new language be added:

This section to be completed by Legislative/Rules Committee:

Date sent to HOD:

Recommendation:

R-7

Directions:

For any proposed change to the SCLSC Policies and Procedures Manual or South Carolina Swimming Inc. Bylaws:

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Proposed By: Name: Vaughan Dodd

Email: governance@sc-swimming.org

Date submitted to Legislative Chair: August 20, 2021

Purpose of proposal: Adopt procedures to be operationally aligned with Whistle Blower Protection Policy, adopted by the Board of Directors in June 2021.

Proposed new language: See attached **Whistle Blower Procedures**

Does this proposal amend an existing provision (circle one): No

If yes, which provision:

Have you reviewed the P&P or bylaws to ensure no other provisions are impacted:

(circle one) Yes

If not an amendment, in which section or article do you propose the new language be added: On SCLSC website, About Us tab > Governance > Governance Forms, directly under SCLSC Whistle Blower Protection Policy

This section to be completed by Legislative/Rules Committee:

Date sent to HOD:

Recommendation:

SOUTH CAROLINA SWIMMING, INC.

WHISTLE BLOWER PROCEDURES

A. Responsibilities of the Governance Committee

1. The Governance Committee shall receive, retain, investigate and act on complaints and concerns of directors, officers, volunteers, and employees (“Reports”) regarding: (a) questionable accounting, internal accounting controls and auditing matters, including those regarding the circumvention or attempted circumvention of internal accounting or financial controls (an “Accounting Allegation”); (b) illegal or unlawful activity involving mail fraud, wire fraud, bank fraud, or securities fraud (a “Legal Allegation”); (c) allegations of impropriety, howsoever described (an “Impropriety Allegation”); and (d) discrimination based on race, gender, sexual orientation, ethnicity, or disability (a “Discrimination Allegation”); and (e) retaliation against directors, officers, volunteers, and employees who make Accounting Allegations, Legal Allegations, Impropriety Allegations, or Discrimination Allegations, (a “Retaliatory Act”).

2. In the discretion of the Governance Committee, responsibilities of the Governance Committee created by these procedures may be delegated to the Chair of the Governance Committee, or to a subcommittee of the Governance Committee.

B. Procedures for Receiving and Investigating Reports

1. Any Report that is made directly to a director or committee chair (hereinafter “Management”), whether openly, confidentially or anonymously, shall be promptly reported to the Governance Committee.

2. Each Report forwarded to the Governance Committee by Management and each Report that is made directly to the Governance Committee, whether openly, confidentially or anonymously, shall be reviewed by the Governance Committee, which may, in its discretion, consult with any member of Management who is not the subject of the allegation and who may have appropriate expertise to assist the Governance Committee. The Governance Committee shall determine whether the Governance Committee or Management should investigate the Report, taking into account the considerations set forth in Section C below.

(a) If the Governance Committee determines that Management should investigate the Report, the Governance Committee will notify the General Chair in writing of that conclusion. Management shall thereafter promptly investigate the Report and shall report the results of its investigation, in writing, to the Governance Committee. Management shall be free in its discretion to engage outside auditors, counsel or other experts to assist in the investigation and in the analysis of results.

(b) If the Governance Committee determines that it should investigate the Report, the Governance Committee shall promptly determine what professional assistance, if any, it needs in order to conduct the investigation. The Governance Committee shall be free in its discretion to engage outside auditors, counsel or other experts to assist in the investigation and in the analysis of results.

C. Considerations Relative to Whether the Governance Committee or Management Should Investigate a Report

In determining whether Management or the Governance Committee should investigate a Report, the Governance Committee shall consider, among any other factors that are appropriate under the circumstances, the following:

1. Who is the alleged wrongdoer? If a member of the board of directors or an employee is alleged to have engaged in wrongdoing, that factor alone may require the Governance Committee to conduct the investigation.
2. How serious is the alleged wrongdoing? The more serious the alleged wrongdoing, the more appropriate that the Governance Committee should undertake the investigation. If the alleged wrongdoing would constitute a crime involving the integrity of financial statements, that factor alone may require the Governance Committee to conduct the investigation.
3. How credible is the allegation of wrongdoing? The more credible the allegation, the more appropriate that the Governance Committee should undertake the investigation. In assessing credibility, the Governance Committee should consider all facts surrounding the allegation, including but not limited to whether similar allegations have been made in the past.
4. Will delegation to Management reveal the identity of the person who made the Report? If the person who made the Report requested that his or her identity be kept confidential, the Governance Committee must consider whether passing on the Report to Management would enable Management to identify the person who made the Report.

D. Protection of Whistle Blowers

The Governance Committee shall not retaliate, and shall not tolerate any retaliation by Management or any other person or group, directly or indirectly, against anyone who, in good faith, makes an Accounting Allegation, Legal Allegation, Impropriety Allegation, or Discrimination Allegation; reports a Retaliatory Act; or provides assistance to the Governance Committee, Management or any other person or group, including any governmental, regulatory or law enforcement body, investigating a Report. SCLSC has an obligation to ensure that no form of reprisal is taken against a whistle blower. If the whistle blower has chosen to self-identify, SCLSC personnel will be instructed that the whistle blower will be treated no differently than if he or she had not made the Report. The Governance Committee shall not, unless compelled by judicial or other legal process, reveal the identity of any person who makes an Accounting Allegation, Legal Allegation, Impropriety Allegation, or Discrimination Allegation, and who asks that his or her identity as the person who made such Report remain confidential and shall not make any effort, or tolerate any effort made by any other person or group, to ascertain the identity of any person who makes a Report anonymously.

E. Records

The Governance Committee shall retain for a period of no less than seven years all records relating to any Accounting Allegation, Legal Allegation, Impropriety Allegation, or Discrimination Allegation, or report of a Retaliatory Act and to the investigation of any such Report.

F. Procedures for Making Complaints

In addition to any other avenue available to a director, officer, volunteer, and/or employee, any director, officer, volunteer, and/or employee may report to the Governance Committee openly,

confidentially or anonymously any Accounting Allegation, Legal Allegation, Impropriety Allegation, or Discrimination Allegation, or report of a Retaliatory Act. Such Reports can be made directly to the Governance Committee in writing at governance@sc-swimming.org, by telephone, via video conference or other electronic means, or in person at a location mutually agreed upon. In the event the whistle blower submits the Report anonymously, the Governance Committee will insist that the whistle blower's anonymity is protected. Furthermore, any director, officer, volunteer, or employee who is interviewed as part of an investigation, will be instructed that they must not speculate about the identity of the whistle blower.